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RICHARD W. NAGEL
CLERK OF COURT

MAR 17 2021

3/31/21

**PETITION UNDER 28 U.S.C. 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WEST. DIV. CINCINNATI

1:21-cv-224

United States District Court	District: Sixth District	Susan Dlott
Angela M. Stites	Case No:	Karen L. Litkovitz
Dayton Correctional Institute	Inmate # W103202	
Angela M. Stites #W103202 DCI 4104 Germantown Pike Dayton, Ohio 45417	State of Ohio	
The Attorney General of the State of Ohio		

PETITION

- (a). Name and location of the court that entered the judgement of conviction you are challenging: State of Ohio, Hamilton County Court of Common Pleas Criminal Division
1000 Main Street, Cincinnati, Ohio 45202
- (b). Criminal docket or case number: B1803242B
- (a). Date of the judgement of conviction: February 25, 2019
- (b). Date of sentencing: March 25, 2019
- Length of Sentence: 86 years
- In this case, were you convicted of more than one count or of more than one crime: Yes
- Identify all crimes of which you were convicted and sentenced in this case: Rape (7 Counts), Sexual Battery (1 Count), GSI (1 Count), Child Endangering (2 Counts)
- (a.) What was your plea? Not Guilty
- (b.) If you entered a guilty plea to one count or charge and a not guilty in another count or charge, what did you plead guilty to and what did you plead not guilty to: N/A
- (c.) If you went to trial, what kind of trial did you have? Jury
- Did you testify at a pretrial hearing, or a post-trial hearing: No
- Did you appeal from the judgement of conviction: Yes

9. If you did appeal, answer the following:

(a.) Name of Court: Hamilton County Ohio Court of Appeals

(b.) Docket or Case Number: C-1900247; C1900255

(c.) Results: Affirmed in Part, Reversed in Part, and Cause Remanded

(d.) Date of result: September 2, 2020

(e.) Citation to the case: State v. Stites, 2020-OHIO-4281

(f.) Grounds raised: Admissions of Hearsay Statements, Evidence of Drug Use by Stites and Victim's Post Rape Struggles, Improper Vouching, Grand Jury Proceedings, Expert Opinion, Photographs of Victim's as Children, Insufficient Evident, Merger

(g.) Did you seek further review by a higher state court: Yes

(1) Name of Court: Court of Appeals, Ohio First District

(2) Docket or Case number: C-190247 & C-190255

(3) Result: APPEAL NOT ACCEPTED FOR REVIEW

(4) Date of result: December 20, 2020

(5) Citation to the case: State v. Stites, 2020-Ohio-2865

(6) Grounds raised: Grand Jury Proceedings

(h.) Did you file a petition of certiorari in the United States Supreme Court: No

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court: No

11. If your answer to Question 10 was "Yes" give the following information: N/A

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States.

GROUND ONE: The introduction of the Grand Jury witness list and nature of witness testimony by the state in its case in chief without notice to the defendant violates a defendant's right to due process and a fair trial.

(a.) Supporting facts: The evidence against Angela was weak, but for the improperly introduced Grand Jury testimony. The 2013 and 2018 Grand Jury content tipped the scales against Angela. If the state is permitted to ambush the defense with evidence that is not obtainable through the discovery process, the constitutional rights of criminal defendants to a fair trial and due process in the State of Ohio are at jeopardy.

(b.) If you did not exhaust your state remedies on Ground One, explain why: N/A

(c.) Direct Appeal of Ground One:

1. If you appealed from the judgment of conviction, did you raise this issue: Yes
2. If you did not raise this issue in your direct appeal, explain why: N/A

(d) Post-Conviction Proceedings:

1. Did you raise the issue through a post-conviction motion or petition for habeas corpus in a state trial court? No
2. If your answer to Question (d)(1) is "Yes," state: N/A
3. If your answer to Question (d)(1) is "No," explain why you did not raise the issue:
Unable to file habeas corpus due to time constraint limitation (outside year of filing from original court proceedings).

(e) Other Remedies: Describe any other procedures that you have used to exhaust you state remedies on Ground One: None

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction: Yes

(b) Is there any ground in this petition that has not been presented in some state or federal court: No

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition: No

15. Do you have any petition or appeal now pending in any court, either state or federal, for the judgement you are challenging? No

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: J. Rhett Baker, 810 Sycamore St., 5th Fl., Cincinnati, Ohio 45202

(d) At sentencing: J. Rhett Baker, 810 Sycamore St., 5th Fl., Cincinnati, Ohio 45202

(e) On appeal: Angela Glasser, 810 Sycamore St., 1th Fl., Cincinnati, Ohio 45202

(f) In any post-conviction proceeding: Angela Glasser, 810 Sycamore St., 1th Fl., Cincinnati, Ohio 45202

(g) On appeal from any ruling against you in a post-conviction proceeding: Angela Glasser, 810 Sycamore St., 1th Fl., Cincinnati, Ohio 45202

17. Do you have any future sentencing to serve after you complete the sentence for the judgment that you are challenging: No

18: TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitation as contained in 28 U.S.C. 2244(d) does not bar your petition: N/A

Therefore, petitioner asks that the Court grant the following relief: Appellant urges this court to find Angela was denied a fair trial and due process and remand the case for a new trial or in the alternative a new sentencing hearing.



Angela M. Stites #W103202, Pro Se

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on March 15, 2021.

Executed (signed) on March 15, 2021



Angela M. Stites #W103202, Pro Se

SHMS # 103203
4104 Germantown Pike
Dayton, OH 45417



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MAR 17 2021

DEBORAH S. HUNT, Clerk

U.S. District Court of Appeals
100 East 5th Street
Cincinnati, OH 45202

